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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/723,656

11/26/2003

Jose M. Sosa

API-1017-US(COS-919)

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25264 7590 04/16/2009
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EXAMINER

ZEMEL, IRINA SOPHIA

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

04/16/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOSE M. SOSA
and KENNETH PAUL BLACKMON

Appeal 2009-2411
Application 10/723,656
Technology Center 1700

Mailed: April 15, 2009

Before DALE M. SHAW, *Chief Appeals Administrator*.

ORDER DISMISSING APPEAL

On September 12, 2005, Appellants filed a Notice of Appeal. On July 1, 2008, Appellants filed a Supplemental Examiner's Answer (Suppl. Exr's Ans.). On page 14 of the Suppl. Exr's Answer, it states:

The appellant must within **TWO MONTHS** from the date of the supplemental examiner's answer exercise one of the following two options to avoid *sua sponte* **dismissal of the appeal** as to the claims subject to the

rejection for which the Board has remanded the proceedings:

- (1) **Reopen prosecution.** Request that prosecution be reopened before the examiner by filing a reply under 37 CFR 1.111
- (2) **Maintain appeal.** Request that the appeal be maintained by filing a reply brief as set forth in 37 CFR 41.41

The record does not show that a response to the Supplemental Exr's Answer has been filed. Accordingly, the appeal in this application is dismissed.

If there are any questions pertaining to this dismissal, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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